

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**PLAINTIFF'S MOTION TO STRIKE ALLEGATIONS AND DEFENSES
IN DEFENDANT'S ANSWER AND COUNTERCLAIM**

Morton Grove Pharmaceuticals, Inc. (“Morton Grove”), by its attorneys, hereby moves pursuant to Federal Rule of Civil Procedure 12(f) for this Court to strike improper defenses in the National Pediculosis Association, Inc.’s (“NPA’s”) answer and immaterial, impertinent, scandalous, and unduly prejudicial material in the NPA’s counterclaim. In support of its motion, Morton Grove states as follows:

1. The NPA's defenses 1-22 should be stricken because they rehash already-rejected arguments, are not proper affirmative defenses, and fail to meet pleading standards pursuant to Federal Rules of Civil Procedure 8 and 9.

2. The NPA's allegations in its counterclaim concerning (1) the "warning letter" sent by the Food and Drug Administration to Morton Grove, in paragraphs 29-34, 45, 60, 77, 88-89, 99-102, and 126, and Exhibit A, and (2) the "black box" warning the FDA designated appropriate for Morton Grove's Lindane medications, in paragraphs 3, 20-24, 26, 28, 75, 81, 87,

94, and 97, should be stricken, because they are immaterial, impertinent, and scandalous, and unduly prejudicial to Morton Grove.

3. The grounds for this motion are more fully set forth in the accompanying memorandum in support, which is incorporated by reference herein.

Dated: June 30, 2008

Respectfully Submitted,

MORTON GROVE PHARMACEUTICALS, INC.

By: /s/ W. Gordon Dobie
One of its Attorneys

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CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of June 2008, I caused a copy of **Plaintiff's Motion to Strike Allegations and Affirmative Defenses in Defendant's Answer and Counterclaim** to be served on counsel of record via ECF electronic filing:

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